

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL CASE NO. 1:09cr63

UNITED STATES OF AMERICA,)

)

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vs.

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KENNETH LEE GARDNER.)

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ORDER

THIS MATTER is before the Court on a handwritten letter from the Defendant to the Court.

The Defendant is charged in an Amended Bill of Information with conspiring to possess with intent to distribute less than 500 grams of cocaine. [Doc. 9]. He entered into a plea agreement with the Government and entered that plea on July 10, 2009. [Doc. 12, Doc. 13]. The Defendant's presentence report is complete and he is ready for sentencing. On September 21, 2009, however, he wrote directly to the Court complaining of an impropriety in his plea agreement.

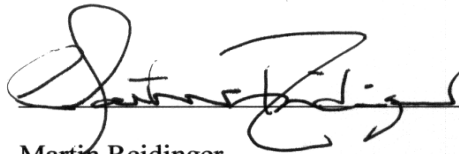
The Defendant is represented by counsel. He should discuss any concerns about his case with his attorney. Moreover, the Defendant may

not communicate directly with the Court. All communication must be made through counsel with service on the Assistant United States Attorney.

IT IS, THEREFORE, ORDERED that the Defendant's handwritten letter is hereby construed as a motion for relief from his plea agreement and as so construed, it is hereby **STRICKEN** from the record.

IT IS FURTHER ORDERED that the Defendant may communicate with the Court only through counsel.

Signed: September 22, 2009


Martin Reidinger
United States District Judge

